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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

CITY BOXING CLUB, *et al.*,

 Plaintiffs,

v.

USA BOXING, INC. dba USA BOXING, *et al.*,

 Defendants.

Case No.: 2:23-cv-00708-JAD-DJA

**Proposed Joint Stipulation and
 Order to Extend Discovery Plan
 and Related Dates

 (Second Request)**

Plaintiffs, City Boxing Club, City Athletic Boxing LLC, and Armin Van
 (“Plaintiffs”), and Defendants, USA Boxing, Inc. dba USA Boxing, Scottsdale Insurance
 Company, Nationwide Mutual Insurance Company, K&K Insurance Group, Inc., and
 Michael McAtee (“Defendants”) (collectively the “Parties”) hereby stipulate to and
 respectfully submit their request that the Court enter this proposed Joint Stipulation and
 Order to Extend Discovery Deadlines and Related Dates (Second Request) in the above-
 captioned litigation. The Parties make this Stipulation pursuant to Local Rule IA 6-1 and
 Local Rule LR 26-3.

This is the Parties' second request for an extension. The Parties respectfully request that these deadlines be extended by sixty (60) days. The current and proposed deadlines are as follows:

	Current Deadline	Proposed Deadline
Initial Expert Disclosures	January 8, 2024	March 8, 2024
Rebuttal Expert Disclosures	February 6, 2024	April 8, 2024
Discovery Cutoff	March 7, 2024	May 6, 2024
Dispositive Motions	April 8, 2024	June 7, 2024
Joint Proposed Pretrial Order	May 7, 2024 (or 30 days after resolution of dispositive motions)	July 5, 2024 (or 30 days after resolution of dispositive motions)

I. Standard of Review

Parties seeking to extend discovery deadlines must provide the reasons for the extension and must inform the Court of all previously granted extensions. LR IA 6-1. A discovery extension also requires a showing of good cause. LR 26-3. "The 'good cause' inquiry focuses mostly on the movant's diligence." *Victor v. Walmart, Inc.*, 2021 U.S. Dist. LEXIS 163908 (slip copy Apr 8, 2021), at *41 (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609) (9th Cir. 1992).

II. Description of Discovery That Has been Completed

The Parties have completed the following discovery:

1. On July 10, 2023, Defendants USA Boxing, Inc. and Michael McAtee served their initial disclosures, though without attaching the documents identified in the disclosure.

1 2. On July 31, 2023, Defendants Scottsdale Insurance Company, Nationwide
2 Mutual Insurance Company, K&K Insurance Group, Inc. served their initial disclosures,
3 though without attaching the documents identified in the disclosure.

4 3. On August 2, 2023, Plaintiffs served their initial disclosures.

5 4. On August 18, 2023, Defendants Scottsdale Insurance Company, Nationwide
6 Mutual Insurance Company, K&K Insurance Group, Inc. provided copies of the documents
7 identified in their initial disclosures.

8 5. August 30, 2023, Defendants USA Boxing, Inc. and Michael McAtee served
9 their first supplemental disclosures, with documents attached.

10 6. On July 31, 2023, Defendant Scottsdale Insurance Company served
11 interrogatories and requests for admissions upon Plaintiffs.

12 7. On August 9, 2023, Plaintiff City Boxing Club served requests for admissions
13 and requests for production of documents upon Defendants USA Boxing, Inc., Scottsdale
14 Insurance Company, Nationwide Mutual Insurance Company, and K&K Insurance Group.

15 8. On August 18, 2023, Defendant Scottsdale Insurance Company served
16 requests for production of documents and a second set of interrogatories to Plaintiffs.

17 9. On August 18, 2022, Defendant Scottsdale Insurance Company served
18 interrogatories to USA Boxing, Inc.

19 10. On August 18, 2022, Defendant Nationwide Mutual Insurance Company
20 served interrogatories to USA Boxing, Inc.

21 11. On September 15, 2023, Defendant Nationwide Mutual Insurance Company
22 served interrogators to City Boxing Club.

23 12. On October 6, 2023, Plaintiff City Boxing Club served interrogatories,
request for admissions (set 2), and request for productions (set 2) to K&K Insurance Group.

1 13. On October 6, 2023, Plaintiff City Boxing Club served interrogatories,
2 request for admissions (set 2), and request for production (set 2) to USA Boxing Club.

3 14. On October 6, 2023, Plaintiff City Boxing Club served interrogatories,
4 request for admissions (set 2), and request for productions (set 2) to Scottsdale Insurance
5 Company.

6 15. On October 6, 2023, Plaintiff City Boxing Club served interrogatories,
7 request for admissions (set 2), and request for productions (set 2) to Nationwide Mutual
8 Insurance Company.

9 16. On October 26, 2023, Defendant Nationwide Mutual Insurance Company
10 served interrogatories (set 2) to City Boxing Club.

11 **III. Description of Discovery Remaining**

12 1. The deposition of fact witness Mary Mullins is scheduled for November 29,
13 2023.

14 2. The deposition of fact witness Paula Creel is scheduled for December 7,
15 2023.

16 3. The deposition of Defendant Michael McAtee is scheduled for December
17 11, 2023. The parties anticipate the deposition of the FRCP 30(b)(6) designee(s) of
18 Defendant USA Boxing, Inc. to also take place on this date.

19 4. The deposition of fact witness Lynette Smith is scheduled to take place
20 December 13, 2023.

21 5. The deposition of Plaintiff Armin Van Damme is scheduled to take place
22 on January 17, 2024.
23

1 6. The parties anticipate the depositions of the FRCP 30(b)(6) designee(s) of
2 Defendants Scottsdale Insurance Company and K&K Insurance Group, and these
3 depositions are not yet scheduled.

4 7. The parties may depose other fact witnesses including various insurance
5 claim handlers and other insurance claim professionals that participated in adjusting
6 the insurance claim at issue in this case need to be completed.

7 8. Expert witnesses need to be disclosed and their depositions may also be
8 needed.

9 9. The Parties may wish to conduct follow-up written discovery, issue
10 additional subpoenas, and/or conduct additional depositions depending on the
11 information learned from the above-listed depositions.

12 **IV. Reasons Why Discovery Will Not be Completed Within the Time**
13 **Limit Set by The Original Discovery Plan**

14 This is a complex, multi-party matter in which Plaintiffs seek declaratory relief
15 regarding a policy of insurance and related to an underlying catastrophic injury that
16 occurred on the premises of City Boxing Club. Plaintiffs have alleged breach of
17 contract, breach of the implied covenant of good faith and fair dealing, estoppel,
18 violations of the Nevada Unfair Claims Practices Settlement Act (Nevada Revised
19 Statutes § 686A.310), civil conspiracy, fraud, and for declaratory relief.

20 The parties have been diligently engaged in discovery in this matter. Plaintiffs'
21 have retained an expert witness regarding the key issues of insurance coverage and
22 insurance claim handling who has advised Plaintiffs that he is unable to complete his
23

review of documents and prepare his report by the current initial expert disclosure deadline, necessitating this requested extension.

Additionally, this will provide sufficient time for the parties to obtain the transcripts from the scheduled depositions in time for their expert witnesses to review the same prior to the initial expert disclosure deadline.

V. The Requested Extension Satisfies the Good Cause Standard

Good cause exists to grant the Parties' requested extension of the discovery deadlines. As explained in Section II *supra*, the Parties have not been idle. Additionally, as explained in Section IV, *supra*, this is a complex matter both in terms of number of parties and claims, and in terms of number of witnesses. The instant extension is not requested for any improper purpose, but rather to permit appropriate discovery regarding the merits of this action.

VI. Proposed Schedule for Completing All Remaining Discovery

The Parties propose the following deadlines:

	Current Deadline	Proposed Deadline
Initial Expert Disclosures	January 8, 2024	March 8, 2024
Rebuttal Expert Disclosures	February 6, 2024	April 8, 2024
Discovery Cutoff	March 7, 2024	May 6, 2024
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Joint Proposed Pretrial Order	May 7, 2024 (or 30 days after resolution of dispositive motions)	July 5, 2024 (or 30 days after resolution of dispositive motions)

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: November 15th, 2023.

/s/ Daniel Price

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Dated: November 15th, 2023.

/s/ Wing Yan Wong (with permission)

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Dated: November 15th, 2023.

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IT IS SO ORDERED.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: November 16, 2023